

Decision 04-01-020 January 8, 2004

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking for the Purpose of Revising Certain
Rules of Practice and Procedure to Implement
Public Utilities Code Section 1708.5 (Petitions for
Rulemaking).

Rulemaking 02-06-040
(Filed June 27, 2002)

DECISION CLOSING PROCEEDING

Summary

This decision closes the above proceeding based on the final approval of Rule 14.7,¹ as amended by Decision (D.) 03-08-071, by the State Office of Administrative Law (OAL).

Background

On June 27, 2002, the Commission adopted an Order Instituting Rulemaking (OIR), which proposed the adoption of new Rule 14.7 regarding Petitions to amend, adopt, or repeal a regulation (Petitions) in order to implement Section 1708.5,² to be included in a new Article 3.5 regarding rulemaking in general. Rule 14.7 responds to the requirement of Section 1708.5 that the Commission amend its Rules to provide specific procedures for handling

¹ All Rule citations are to the Commission Rules of Practice and Procedure (Rules), unless otherwise stated.

² All Code references are to the Public Utilities Code, unless otherwise stated.

such Petitions. After publishing the requisite Notice of Regulatory Action in the California Regulatory Notice Bulletin on July 12, 2002, and receiving and responding to public comments on the proposed Rule, we adopted D.03-03-020, which added new Article 3.5 and Rule 14.7 to the Rules, on March 13, 2003. We subsequently forwarded Article 3.5 and Rule 14.7 to OAL for approval pursuant to the Administrative Procedures Act (APA).³ On June 5, 2003, we approved D.03-06-025, which closed this proceeding.

We subsequently withdrew our filing of new Article 3.5 and Rule 14.7 with OAL in order to consider further amendments to Rule 14.7. On August 21, 2003, we approved D.03-08-071, which reopened this proceeding and amended Rule 14.7, to permit the filing of Petitions regarding our procedural Rules. We then forwarded Rule 14.7, as amended to OAL for approval pursuant to the APA.⁴

On _____ 2003, we received notice that OAL has approved Rule 14.7, as amended by D.03-08-071.

Discussion

The sole purpose of this proceeding was to consider the adoption of Rule 14.7 in order to implement Section 1708.5.

The Commission has found no need to further consider Rule 14.7 since our approval of D.03-08-071 on August 2003 and approval of Rule 14.7 as amended by OAL. Therefore, there is no need to keep this proceeding open.

³ Govt. Code Section 11340 *et seq.*

⁴ Govt. Code Section 11340 *et. seq.*

If the Commission wishes to consider additional amendments to Rule 14.7 or additions to Article 35.5 in the future, it may do so in a separate docket.

Waiver of Review and Comment

Since the Commission has provided for public review and comment on this rulemaking pursuant to the Administrative Procedure Act (Gov't Code Section 11340 *et. seq.*) the otherwise applicable 30-day period for public review and comment is waived pursuant to Rule 77.7(f)(8).

Assignment of Proceeding

Loretta M. Lynch is the assigned Commissioner and Myra J. Prestidge is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. On June 27, 2002, the Commission adopted an OIR which proposed the addition of both new Rule 14.7 regarding Petitions to adopt, amend or repeal a regulation in order to implement Section 1708.5 and a new Article 3.5 regarding rulemaking in general to the Rules.

2. On March 13, 2003, after allowing for public review and comment pursuant to APA requirements, the Commission adopted D.03-03-020, which approved the addition of a new Article 3.5 and a new Rule 14.7 to the Rules and closed this proceeding.

3. On August 21, 2003, we approved D.03-08-071, which reopened this proceeding and amended Rule 14.7 to permit Petitions related to Commission procedural Rules.

4. OAL has subsequently approved Rule 14.7 as amended by D.03-08-071, as required by the APA.

5. Since the adoption of new Article 3.5 and Rule 14.7 was the only issue to be addressed in this proceeding, there is no need for this docket to remain open.

6. If the Commission wishes to consider further additions to Article 3.5 or amendments to Rule 14.7 in the future, it may do so in a separate docket.

Conclusion of Law

Since there are no remaining issues to be considered by the Commission in this docket, it is unnecessary for this proceeding to remain open.

O R D E R

IT IS ORDERED that Rulemaking 02-06-040 is closed.

This order is effective today.

Dated January 8, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners